

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) SYLVIA M. CALLAHAN,)	
an Individual, and)	
2) DANIEL J. CALLAHAN, JR.,)	
an Individual,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.: CIV-2016-680-M
)	
1) UNITED AIRLINES, INC.,)	
a Delaware corporation;)	
2) UNITED CONTINENTAL HOLDINGS,)	
INC., a Delaware corporation;)	
3) UNITED EXPRESS,)	
a Delaware corporation;)	
4) STAR ALLIANCE,)	
a Delaware corporation;)	
5) JOHN DOE CORPORATIONS 1-99;)	
and)	
6) JOHN AND/OR JANE DOE 1-10,)	
Unknown Individuals,)	
)	
Defendants.)	

AMENDED COMPLAINT

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INTRODUCTORY STATEMENT OF THE CASE

1. On June 20, 2014, Plaintiffs were passengers on United Airline Flight UA1017 returning from Cancun, Mexico to Oklahoma City, Oklahoma. As the United Airline flight landed in Houston, Texas for a connecting flight, the airplane's landing gear abruptly and unexpectedly struck the runway with such force as to cause Plaintiff Sylvia M. Callahan to sustain severe injuries to her spine. Plaintiff therewith reported the incident, including filing a written report with a United Airlines customer service agent. Plaintiff subsequently underwent medical treatment, and is advised by her healthcare providers that her debilitating spinal injury, for which there is no meaningful treatment or cure, is permanent.

PARTIES

2. Plaintiff Sylvia M. Callahan is and was at all times pertinent to the filing of his action a resident of Oklahoma County, State of Oklahoma.

3. Plaintiff Daniel J. Callahan, Jr. is and was at all times pertinent to the filing of his action a resident of Oklahoma County, State of Oklahoma.

4. Defendant United Airlines, Inc., is and was at all times pertinent to the filing of this action a Delaware corporation with a principal place of business and/or corporate office in the State of Illinois. United Airlines, Inc. is a wholly-owned subsidiary of United Continental Holdings, Inc. United Airlines, Inc. operates a commercial airline with flights throughout the United States, including within the State of Oklahoma.

5. Defendant United Continental Holdings, Inc., is and was at all times pertinent to the filing of this action a Delaware corporation with a principal place of business and/or corporate office in the State of Illinois. United Continental Holdings, Inc. is the holding company of United Airlines, Inc. and its consolidated subsidiaries. United Continental Holdings, Inc. operates a commercial airline with flights throughout the United States, including within the State of Oklahoma.

6. Defendant United Express, upon information and belief, is and was at all times pertinent to the filing of this action a Delaware corporation with a principal place of business and/or corporate office in the State of Illinois. United Express was formed by United Airlines, Inc. to engage in contractual relationships with various regional carriers that operate and provide commercial airline flights throughout the United States, including within the State of Oklahoma.

7. Defendant Star Alliance, upon information and belief, is and was at all times pertinent to the filing of this action a Delaware corporation with a principal place of business and/or corporate office in the State of Illinois. Star Alliance was formed by United Continental Holdings, Inc. and/or United Airlines, Inc. to engage in contractual relationships with various airlines that operate and provide commercial airline flights throughout the United States, including within the State of Oklahoma.

8. The foregoing Defendants are hereafter collectively and interchangeably referred to as “United Airlines” or “Defendants.”

JURISDICTION AND VENUE

9. Jurisdiction is proper under 28 U.S.C. §1332; venue is proper under 28 U.S.C. §1391.

FIRST CAUSE OF ACTION

**Violation of Oklahoma Law:
Negligence**

10. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

11. Plaintiffs asserts that Defendants were negligent in the operation of the United Airlines flight by causing the plane to abruptly strike the runway with such force as to cause Plaintiff Sylvia M. Callahan to sustain injuries.

12. Defendants breached their duty of reasonable care, causing Plaintiff to sustain damages, including, without limitation, severe, substantial and permanent injury; great pain and suffering; and severe mental and emotional distress.

SECOND CAUSE OF ACTION

**Violation of Oklahoma Law:
Gross Negligence**

13. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

14. Defendants' wanton and reckless conduct, as more fully set forth in the Statement of the Case and in the First Cause of Action, Negligence, above, constitutes gross

negligence, *to wit*, Defendants were aware or should have been aware that there was a substantial and unnecessary risk of harm to passengers by its reckless operation of the airplane, but Defendant willfully, wantonly and recklessly disregarded same.

15. Defendant's grossly negligent conduct directly and proximately caused Plaintiff to sustain damages, including, without limitation, severe, substantial and permanent injury; great pain and suffering; and severe mental and emotional distress.

THIRD CAUSE OF ACTION

Violation of Oklahoma Law: Negligent Infliction of Emotional Distress

16. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

17. Defendants' conduct, as more fully set forth in the Preliminary Statement of the Case and in the foregoing Causes of Action, was in negligent disregard of Plaintiffs' physical, mental and emotional welfare.

18. Defendants' conduct constitutes extreme and outrageous conduct which no person should reasonably be expected to endure, and caused Plaintiff Sylvia M. Callahan to sustain damages including, without limitation, substantial and permanent injury; great pain and suffering; and severe mental and emotional distress; and causing Plaintiff Daniel J. Callahan, Jr. to sustain severe mental and emotional distress.

FOURTH CAUSE OF ACTION

Violation of Oklahoma Law: Intentional Infliction of Emotional Distress

19. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

20. Defendants' conduct, as more fully set forth in the Preliminary Statement of the Case and in the foregoing Causes of Action, was committed intentionally, willfully, and/or in reckless disregard of Plaintiffs physical and emotional well-being, and constitutes extreme and outrageous conduct which no person should reasonably be expected to endure.

21. Defendants' conduct constitutes extreme and outrageous conduct which no person should reasonably be expected to endure, and caused Plaintiff Sylvia M. Callahan to sustain damages including, without limitation, substantial and permanent injury; great pain and suffering; and severe mental and emotional distress; and causing Plaintiff Daniel J. Callahan, Jr. to sustain severe mental and emotional distress.

FIFTH CAUSE OF ACTION

Violation of Oklahoma Law: Breach of Contract

22. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

23. For good and valuable consideration, Plaintiffs entered into a contract with Defendants, which contemplated and included, among other things, that Defendants would

provide air transportation to Plaintiffs without causing Plaintiffs to sustain injuries or undue medical expense.

24. Defendants did not provide that which was promised, and thereby breached the foregoing contract, causing Plaintiff damages, including actual and consequential damages in excess of \$75,000.00 plus interest for bodily injuries and related medical expenses.

SIXTH CAUSE OF ACTION

Violation of Oklahoma Law: Loss of Consortium

25. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

26. As a direct and proximate cause of injuries sustained by his wife, Plaintiff Sylvia M. Callahan, Plaintiff Daniel J. Callahan, Jr. has lost significant aspects of the services, society, comfort, and companionship previously enuring from the marriage relationship with his spouse, and he is thus entitled to recover therefor.

SEVENTH CAUSE OF ACTION

Claims Under the Montreal Convention

27. Plaintiffs restate and incorporate herein by reference the preceding and subsequent allegations of this Complaint.

28. Defendants' negligent, careless and/or reckless operation of the airplane, causing Plaintiff's injuries, as more fully set forth in the Statement of the Case, gives rise to claims under the Montreal Convention.

WHEREFORE, Plaintiffs respectfully request that the Court rule in their favor and against Defendants, finding and ordering that Defendants are liable to Plaintiffs pursuant to the Causes of Action alleged herein; and that Plaintiffs are thereby entitled to recover damages in an amount in excess of \$75,000.00, with the exact amount to be determined by a jury, for all damages directly and proximately caused thereby, including, but not limited to, actual, compensatory and consequential damages; damages for emotional, mental and physical pain and suffering; damages for medical expenses; and punitive damages in excess of \$75,000.00, with the exact amount to be determined by a jury. Plaintiffs further request an award for the costs and expenses incurred in bringing this lawsuit; interest; attorney fees; and any other relief this Court deems fit and proper under the circumstances.

Respectfully Submitted,

RAPHAEL T. GLAPION, P.C.

s/ Raphael T. Glapion

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